

PUBLIC NOTICE

US Army Corps of Engineers®

APPLICATION TO ESTABLISH A
REGIONAL GENERAL PERMIT (RGP)

LOS ANGELES DISTRICT

Public Notice/Application No.: 200300240-JWM

Comment Period: October 6, 2004 through November 6, 2004

Project Manager: John W. Markham (805) 585-2150 john.w.markham@usace.army.mil

Applicant

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Location

The proposed activity would occur within seven tributaries to the Ventura River, near Casitas Springs, Ventura County, California.

Activity

To periodically remove accumulated sediment, debris, and young vegetation from: 1) 600 linear feet of the earthen Casitas Dam Toe Drain channel; 2) the immediate vicinity (upstream and downstream) of five culverted crossings within five separate drainages intersecting the Lake Casitas perimeter/haul road (drainages A, B, C, D, and Ayers Creek); and, 3) an earthen sediment basin along Vista Point Road, all of which are tributaries to the Ventura River, near Casitas Springs, Ventura County, California. (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - Ventura Field Office
ATTN: CESPL-CO-R-200300240-JWM
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: john.w.markham@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

Cultural Resources- The occurrence of prehistoric and historic cultural resources at the dam and along the haul road was investigated as part of a 1999 Casitas Dam Seismic Modernization Project. This investigation involved a record search of previously unidentified sites at the South Central Coastal Information Center, California Historic Resources Information System at UCLA, and a field reconnaissance of the proposed impact areas by a Reclamation archaeologist in May 1998. The

record search indicated that four surveys, studies and/or excavations have been conducted within a one-mile radius of the haul road. Two prehistoric sites, VEN-117 and VEN-48, are located less than one mile to the east of the northern portion of the haul road. These sites were subject to data recovery in the 1950s when the Dam itself was under construction. Recovered material ranged in age from early horizon (Milling Stone) to late prehistoric Canaliño.

The California State Historic Resources Inventory, California Historical Landmarks, California Points of Historical Interest, and the National Register of Historic Places do not list any properties or historic resources within one mile of the dam and borrow sites.

Endangered Species- The proposed periodic maintenance work has the potential to affect migrating southern steelhead (*Oncorhynchus mykiss*). The Toe Drain channel, located at the base of the Dam and the head of lower Coyote Creek, is known to be within the historic range of this species. Prior to construction of Casitas Reservoir in 1958, Coyote Creek was considered a major steelhead spawning stream in the Ventura River system. As part of a recent Dam Seismic Modernization Project, the Bureau of Reclamation and NOAA Fisheries determined that lower Coyote Creek (last several miles, below the Dam) could provide for steelhead passage up to the Toe Drain during the wet season of most years, and contained suitable habitat for steelhead spawning and rearing (spawning gravels, pools, riparian canopy) immediately following “wetter” years. The Corps has consulted with NOAA Fisheries to arrive at determination that the proposed actions are not likely to adversely affect southern steelhead, provided that the applicant employs best management practices, such as: notifying Corps staff prior to each maintenance event; operating only during dry weather periods and only when flows are absent; utilizing defined maintenance zone boundaries; minimizing impacts to vegetation/habitat; staging and stockpiling in uplands; preparing a spill response plan; and if necessary, installing erosion/turbidity controls. Designated critical habitat, which included the project area, was vacated for southern steelhead in April 2002.

According to the applicant’s biologists, Lower Coyote Creek may also contain suitable nesting habitat for least Bell’s vireo (*Vireo bellii pusillus*) (Padre Associates, November 2003). The closest known vireo sightings have been approximately four to six miles from the Dam. Following informal coordination with the U.S. Fish and Wildlife Service, the Corps has determined that the proposed maintenance work would have no effect upon this species, provided that the absence of vireos within and adjacent to the maintenance zones is confirmed by a U.S. Fish and Wildlife Service-approved biologist immediately prior to each maintenance event.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The proposed action involves:

Routine and foreseeable maintenance activities associated with Lake Casitas’ Toe Drain, Vista Point Road sediment basin, and five culverted crossings along the Lake Casitas perimeter haul road, and include the following:

- a) The District would remove sediment, debris and vegetation from the 8- to 15-foot-wide bed of the Toe Drain for a distance of 100 feet upstream of the District’s potable water Treatment Plant culverted access road to 500 feet downstream of the culverted access road (total of 600 linear feet), when the volume of accumulated material equals or exceeds 50 percent of the original design capacity of the earthen Toe Drain. Furthermore, in order to encourage subsurface seepage and surface runoff to drain away from the base of the Dam, the applicant also proposes to remove additional sediment, debris and vegetation from the banks of the upper 100-linear-foot reach for a

- maximum width of 40 feet along each bank. If necessary, the applicant would also trim vegetation established along the channel banks that intrudes into the channel cross-section, still avoiding the vast majority of the riparian and transitional upland (buffer) species. The total amount of material proposed for periodic removal would be 600 to 1000 cubic yards. For each event, the maximum area of impact within Corps jurisdiction would be 0.5 acres. Estimated duration of project would be three weeks. Equipment to be utilized would include a backhoe, an excavator, a front loader, several dump trucks, and hand tools. (Figures 2, 3, 4)
- b) The District would remove sediment, debris and vegetation from the 90-foot-long x 30-foot-wide basin when the volume of accumulated material equals or exceeds 50 percent of the original design capacity of the earthen Vista Point Road sediment basin. The maximum volume of material to be removed from the basin during a single maintenance event would be approximately 500 cubic yards. For each event, the maximum area of impact within Corps jurisdiction would be 0.08 acres. Estimated duration of project would be several days. Equipment to be utilized would include a backhoe, an excavator, a front loader, several dump trucks, and hand tools. (Figures 2, 10, 11)
 - c) The District would remove sediment, debris and vegetation from immediately upstream and downstream of the five culverted crossings (Drainages A-D, and Ayers Creek). Permanent maintenance zones were established within each of the drainages by the U.S. Bureau of Reclamation (U.S. BOR) in 1999 during a Dam Seismic Modernization Project that involved widening of the Lake's earthen perimeter road to accommodate larger, heavier traffic, which in turn allowed for the transport of upland fill material from an onsite borrow area to the Dam itself. The U.S. BOR also fully compensated for the "permanent" impacts upon these five drainages, considered a permanent loss because of the repetitive, cyclical nature of these maintenance practices. The maximum volume of material to be removed from each of the crossings during a single maintenance event would be approximately 900 cubic yards for Drainage A, 970 cubic yards for Drainage B, 1,300 cubic yards from Drainage C, 333 cubic yards from Drainage D, and 900 cubic yards from Ayers Creek. For each maintenance event, the maximum area of impact within Corps jurisdiction would be 0.19 acre for Drainage A, 0.20 acre for Drainage B, 0.27 acre for Drainage C, 0.07 acre for Drainage D, and 0.19 acre for Ayers Creek. Estimated duration of project would be several days per crossing. Equipment to be utilized would include a backhoe, an excavator, a front loader, several dump trucks, and hand tools. (Figures 1, 5, 6, 7, 8, 9)
 - d) The District would haul the excavated material to an upland area, located either on site and adjacent to the District's sludge beds or off site at disposal facility. Removed native plant material would either be re-planted (i.e., cuttings) within riparian areas adjacent to the maintenance zones, sent to a green waste recycling facility, or composted at District facilities. (Figure 12)

Additional Project Information

Historically, each maintenance event has required separate nationwide permit authorization, and has generally occurred only following heavy rain seasons or prior to forecasted heavy rain seasons (an average of approximately every five years).

The Toe Drain is a man-made intermittent channel located immediately south of the Casitas Dam. It collects runoff from several steep, narrow side canyons located south of the dam (including Vista Point Road sediment basin's drainage), from dewatering wells at the base of the dam, and from seepage flowing through the earthen dam. Under optimal conditions (original design), the Toe Drain conveys water away from the face and base of the Dam, thereby ensuring proper drainage of this

impoundment structure. In addition, a portion of the proposed Toe Drain maintenance involves hand crew clearance of a 72-inch-diameter culverted road crossing of the channel. This road crossing is currently the sole access for the potable water Treatment Plant.

The Vista Point Road sediment basin was constructed along the “View Road” as a component of the original Dam project in the late 1950s. Water flows from a steep catchment area to this small basin, then from the basin’s standpipe to a culverted undercrossing of Vista Point Road, and eventually to the Toe Drain channel. The road currently provides the sole access to the dam crest, spillway, and the Lake’s perimeter haul road.

The perimeter haul road provides access along the south and west shores of the Lake, and consists of a 36-foot-wide compacted earthen and gravel road that has been cut into hillsides and across steep canyon mouths. The road crosses one intermittent (Ayers Creek) and four ephemeral (Drainages A-D) drainages that are entrenched within rugged, unstable (slide-prone) topography. Outside of the maintenance zones, the dominant overstory vegetation consists of coast live oak, southern California black walnut, and arroyo willow, while the understory vegetation is much more limited due to steep terrain, scour, and sediment deposits from flashy winter flows. The road currently provides the sole access for the District’s Rincon pipeline (a major distribution waterline), Southern California Edison’s overhead electrical and telephone transmission lines, and the borrow site revegetation area.

The vegetation within the maintenance zones is characterized as early-successional, disturbed willow and mulefat scrub, and ranges in density from very sparse within the Toe Drain channel, the Vista Point Road basin, and Drainages A, C and D, to scattered/patchy within a section of Ayers Creek, to dense within Drainage B and the majority of Ayers Creek. In descending order of occurrence, representative vegetative species consist of annual grasses, willow, mulefat, ceanothus, coyote brush, elderberry, tree tobacco, Scotch broom, mugwort, coast live oak, fennel, and sycamore.

The maintenance zones within the Toe Drain channel, the Vista Point Road sediment basin, and Drainages A and B would be fully restored to the original dimensions, while the basins within Drainages C, D, and Ayers Creek would be restored to 67 percent, 18 percent, and 41 percent of original dimensions. The latter modification would allow the applicant (CMWD) to utilize a portion of the mitigation site (1.61 acres of a 6.35 acres site) that was originally intended as compensation for the permanent losses within these three drainages as “credit” for future periodic maintenance impacts within the Vista Point Road basin and the Toe Drain channel (totaling approximately 0.58 acre of permanent loss). This equates to a mitigation ratio of 2.8:1 for acreage restored to acreage lost.

The proposed RGP would authorize the routine maintenance activities described above for a period of five years. The RGP would be subject to renewal after the five-year period based on an assessment of its effectiveness and verification that the maintenance activities do not result in more than minimal effects on the aquatic environment, either individually or cumulatively.

The maintenance activities proposed are not intended to alter the established Toe Drain, Vista Road basin, or perimeter road operations, but rather to ensure the facilities are functioning as designed. No maintenance work that would change the character, size or extent of structural features associated with the Casitas Dam or its facilities would be authorized under this RGP. Repair or replacement of the culverted road crossings themselves could potentially qualify for a Clean Water Act Section 404(f)(1)(B) exemption, provided that the structures’ configuration, fill area, and material remain the same as originally permitted.

The Corps’ permit special conditions would require the District to implement the entirety of the abovementioned best management practices.

For additional information please call John W. Markham of my staff at (805) 585-2150. This public notice is issued by the Chief, Regulatory Branch.

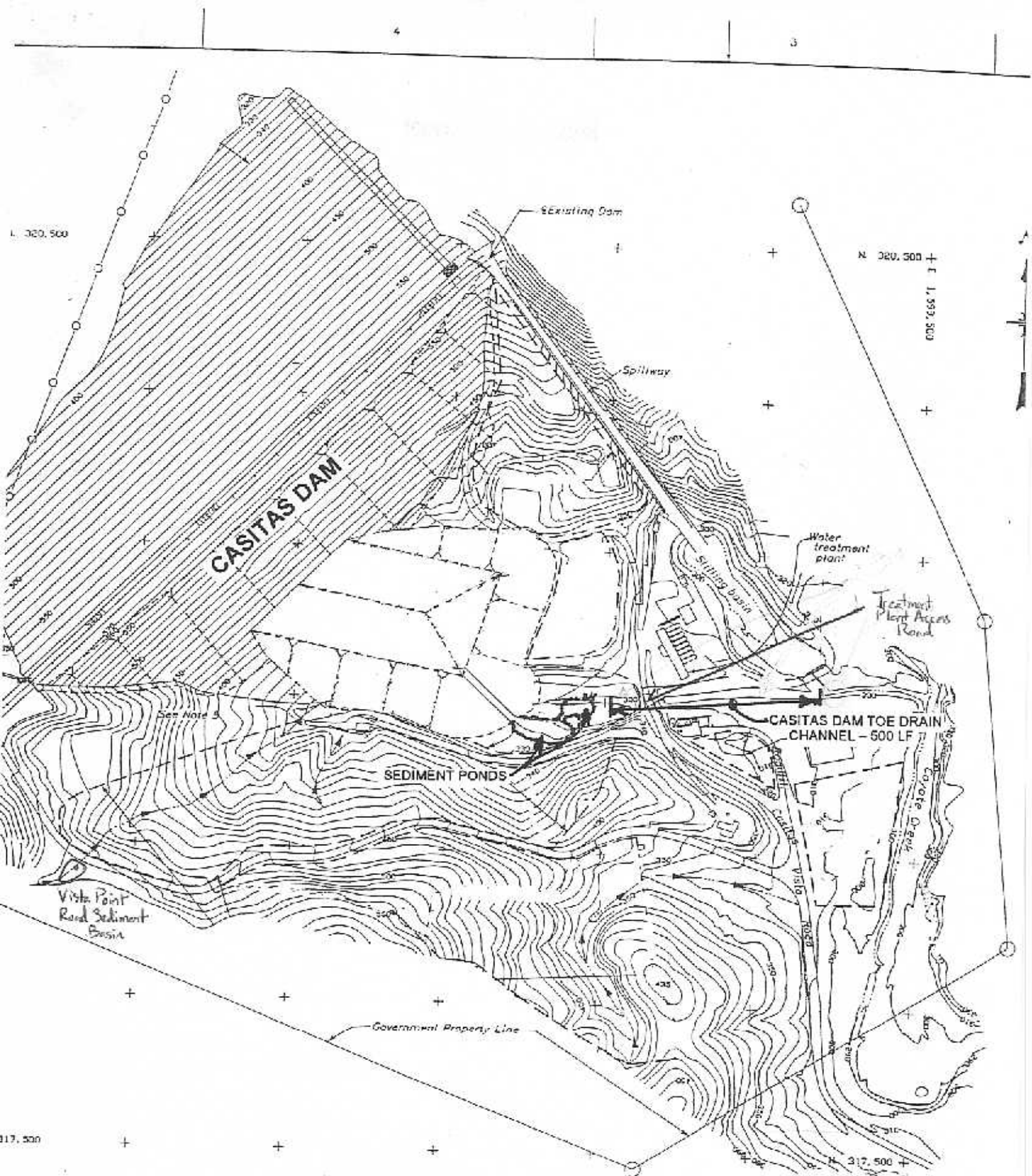
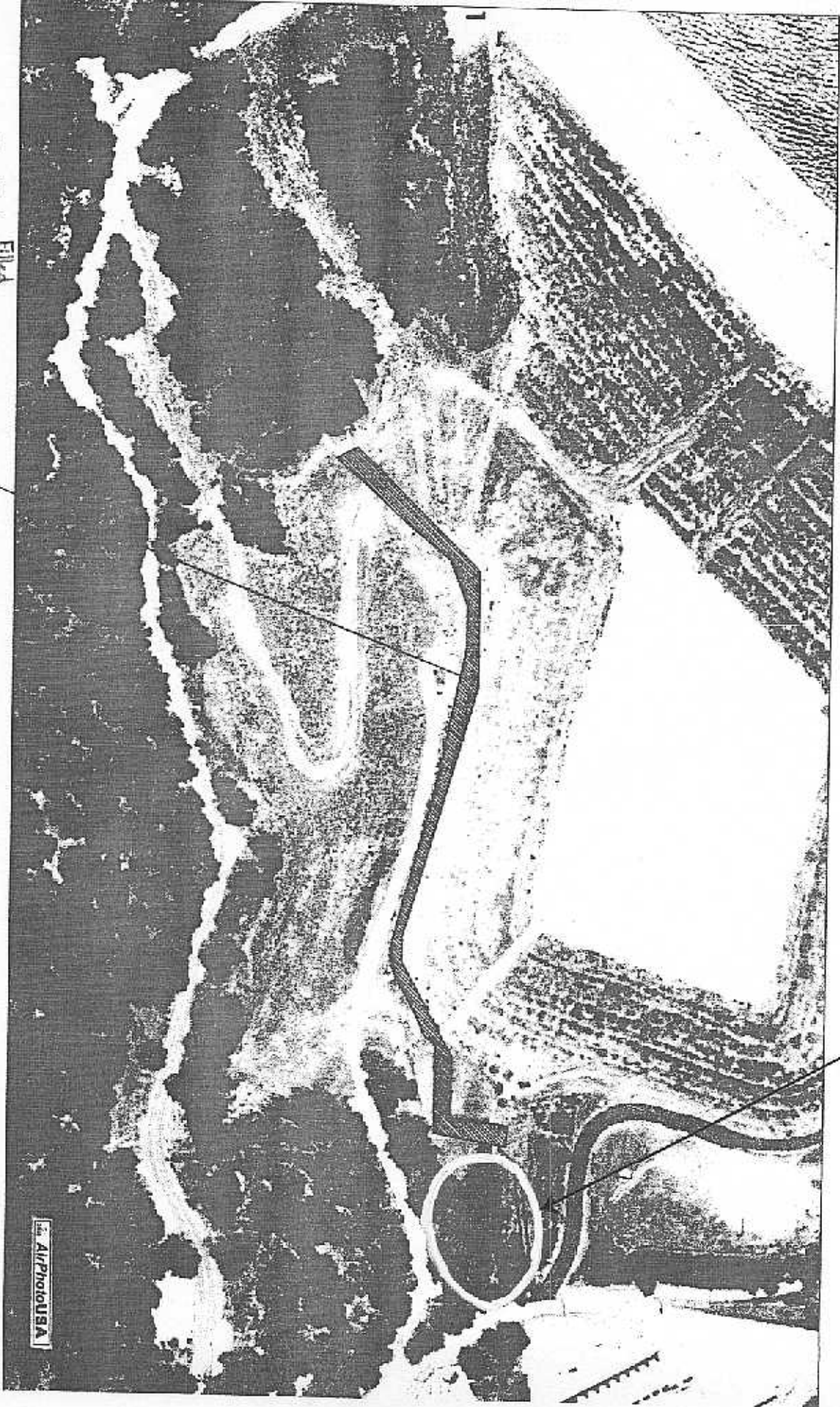


FIGURE 2 - CASITAS DAM MAINTENANCE AREAS

Approx. limits of upper
Toe Drain maintenance zone - 50m



Filled
Toe Drain Tether and Mitigated for
Under Permit 98-50324-LW

Figure 3
Upper Toe Drain Aerial

Lower Toe Drain Cleanup Area
Waters of the United States
(Maintenance Zone, Lower Toe Area)



the AirPhotoUSA

Figure 4-Lower Toe Drain



A technical drawing of a catch basin. The basin is teardrop-shaped with a stippled interior. A vertical dashed line with arrows at both ends is labeled '90'' in the center. A horizontal line with arrows at both ends at the bottom is labeled '40''. An arrow points from the text 'BASIN AREA' to the stippled region. Below the basin, a line represents the road surface, with an arrow pointing to it from the text '18" CMP UNDERDRAIN W/ RISER ENTRANCE'. Further down, another line represents a road, with an arrow pointing to it from the text 'VISTA POINT ROAD (PAVED) TO CASITAS DAM'.

BASIN AREA

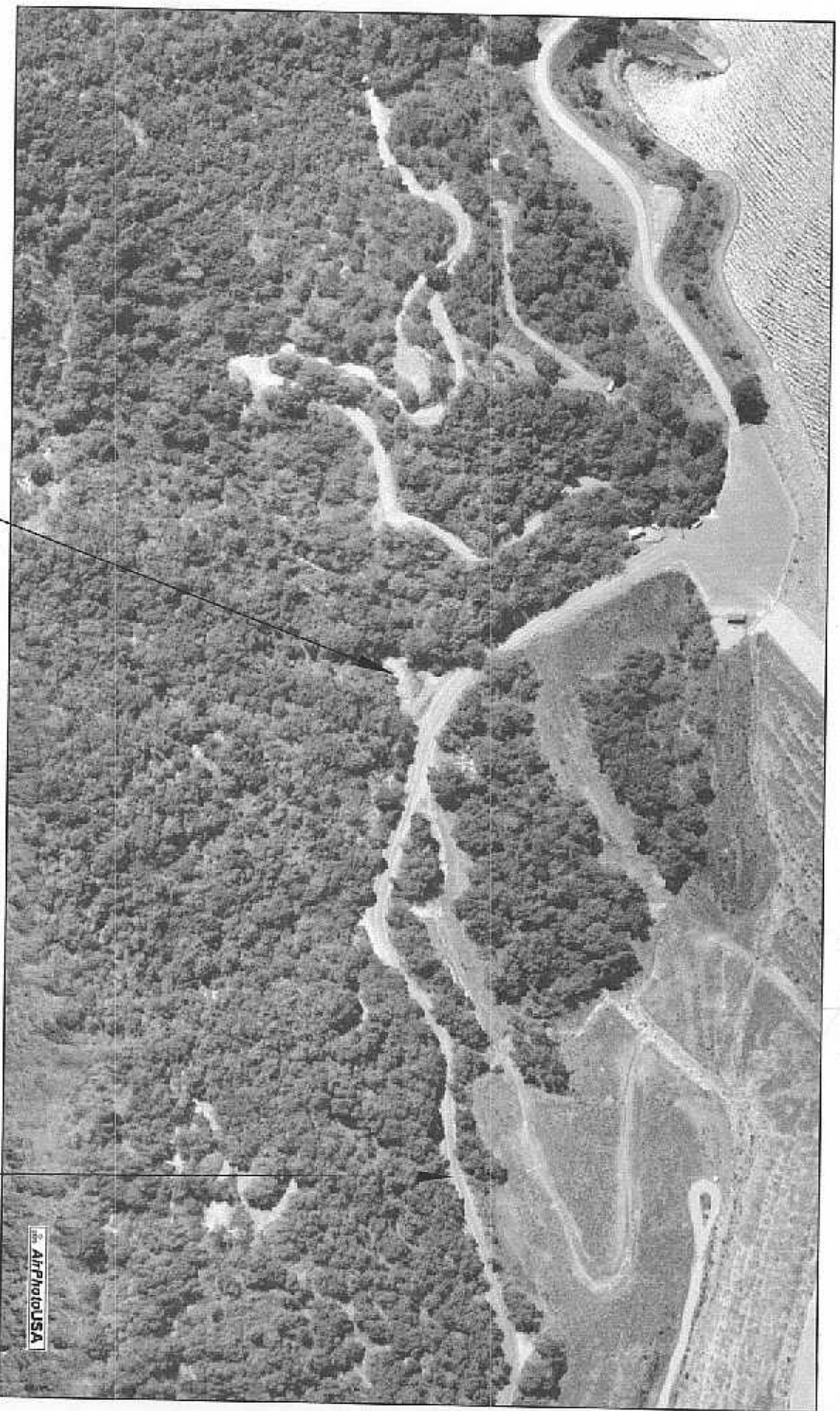
18" CMP UNDERDRAIN
W/ RISER ENTRANCE

VISTA POINT ROAD
(PAVED)
TO CASITAS DAM

FIGURE 10 – VISTA POINT ROAD CATCH BASIN

SCALE: 1"= 20'

FIGURE 11 - AERIAL PHOTOGRAPH



Viewpoint Road
Catch Basin

Viewpoint Road

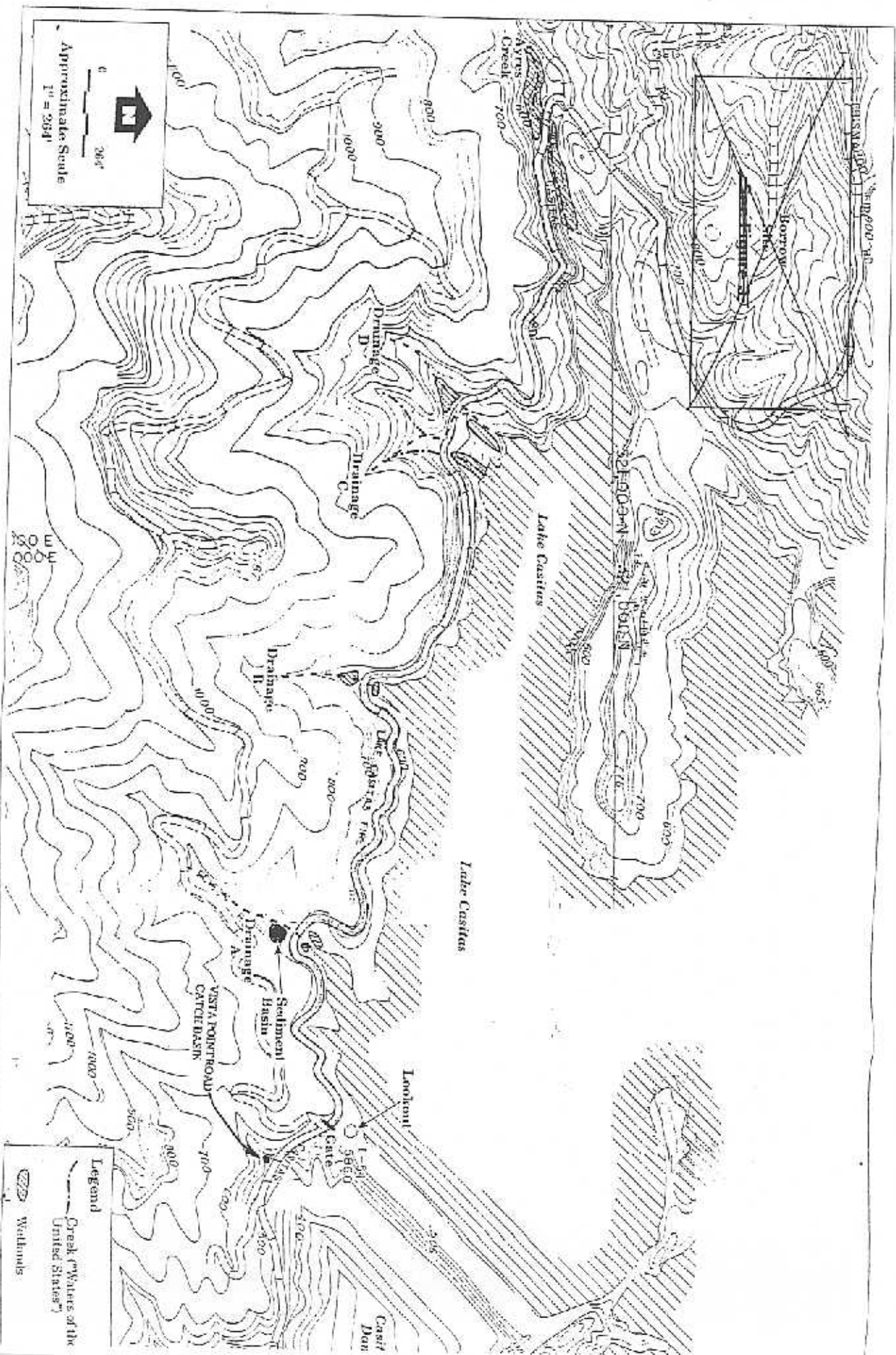
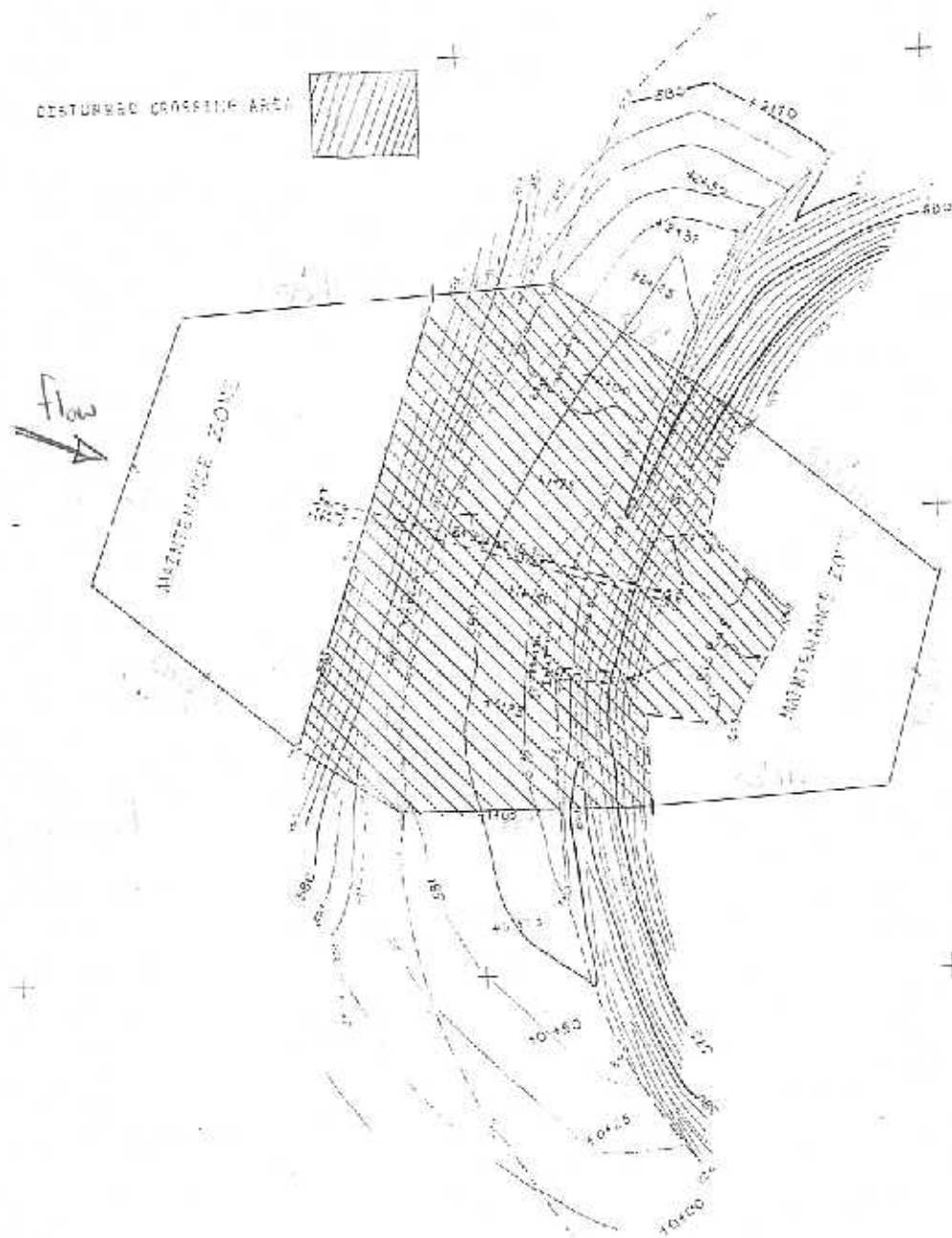


FIGURE 1 - ACCESS ROAD MAINTENANCE AREAS

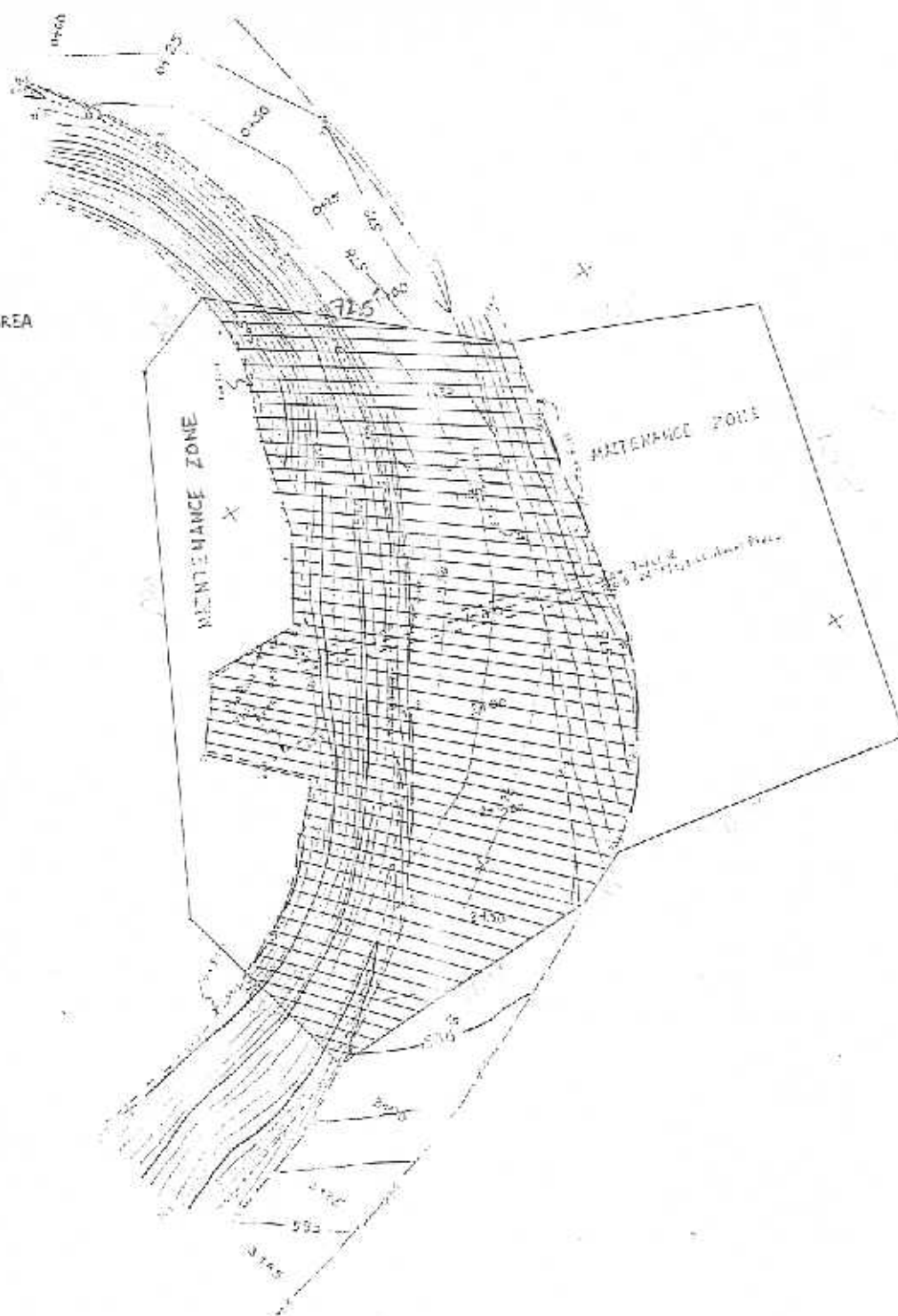


8,125 SF of jurisdictional impact (0.19 acre)

FIGURE 5 - ACCESS ROAD DRAINAGE AREA A
AS-BUILT - USBR

SCALE: 1"=40'

DISTURBED CROSSING AREA



8,750 SF of jurisdictional impact (0.20 acre)

FIGURE 6 - ACCESS ROAD DRAINAGE AREA B
AS-BUILT - USBR

SCALE: 1"=40'

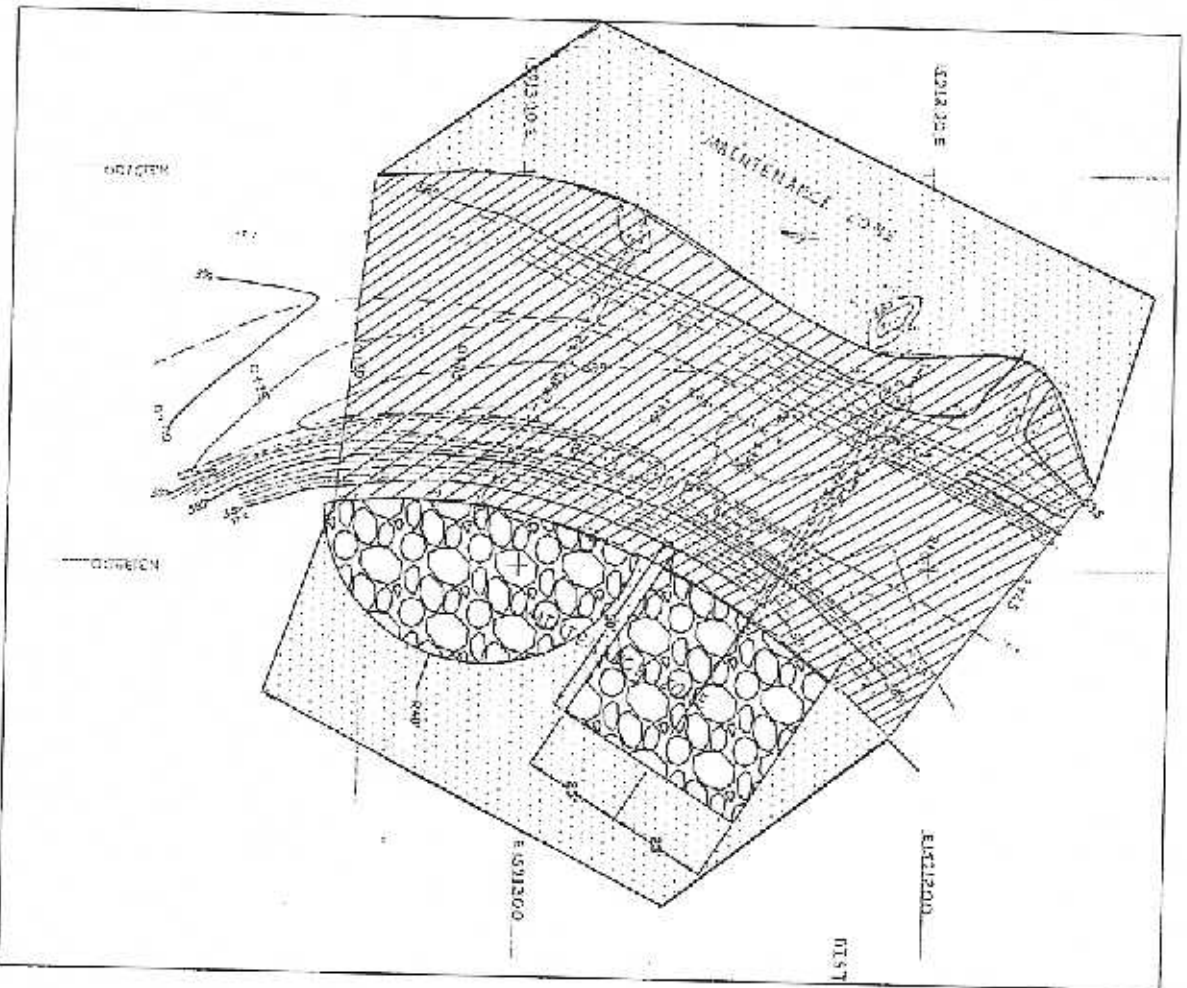


FIGURE 7: DRAINAGE AREA C
PROPOSED REDUCED MAINTENANCE AREAS

KEY

- PREVIOUSLY PERMITTED ROAD CROSSING
- PREVIOUSLY PERMITTED MAINTENANCE AREA
- REDUCED MAINTENANCE AREA

NOTE:

MAINTENANCE AREA BASED ON DEWATERING AND
WETLAND HABITAT RESTORATION PLAN DATED
JULY 1999 AND PREPARED FOR THE BUREAU OF
RECLAMATION IS 17,500 SF.
THE PROPOSED MAINTENANCE AREA REDUCES
THIS AMOUNT TO 11,800 SF. (0.27 acre)

$17,500 - 11,800 = 5,700$
difference

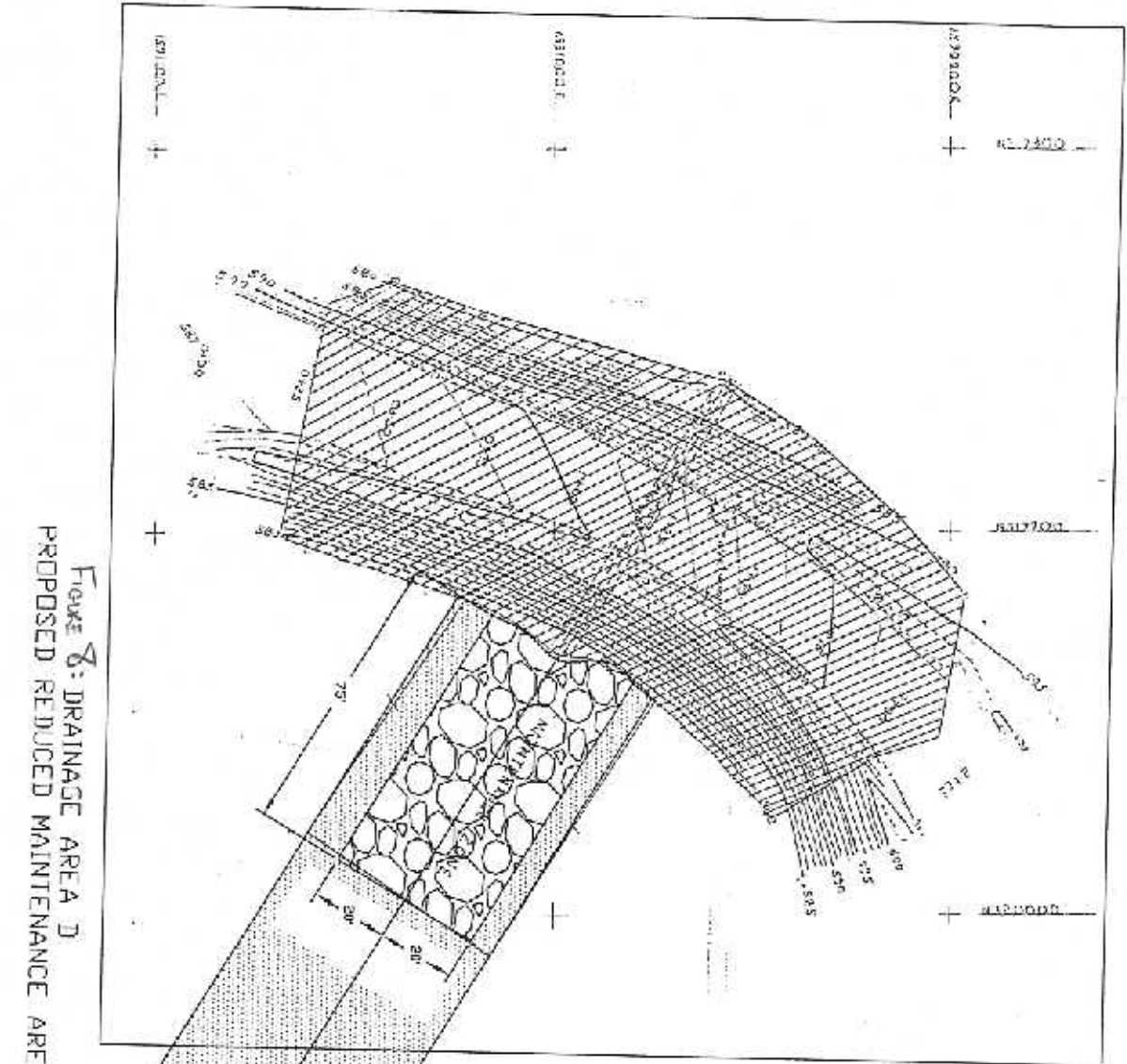


FIGURE 8: DRAINAGE AREA D
PROPOSED REDUCED MAINTENANCE AREAS

KEY

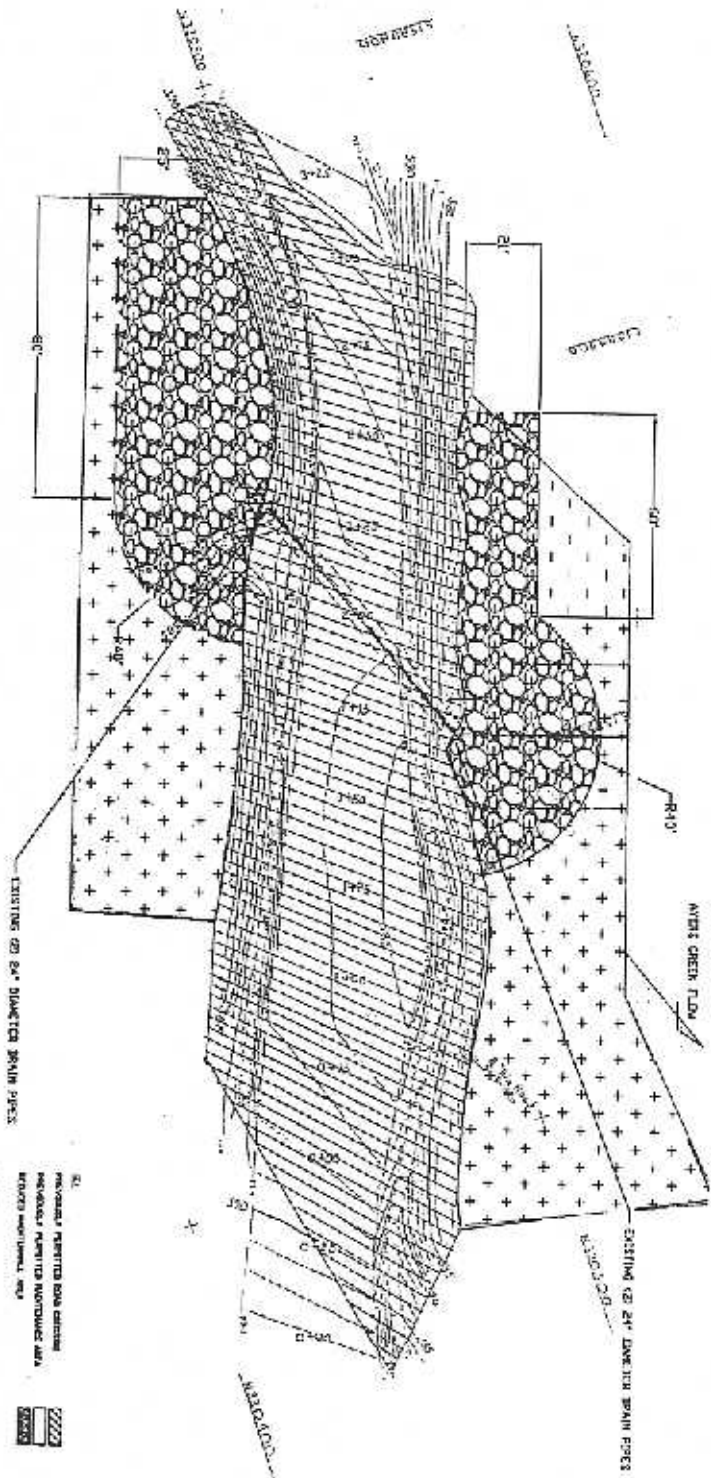
- PREVIOUSLY PERMITTED ROAD CROSSING
- PREVIOUSLY PERMITTED MAINTENANCE AREA
- REDUCED MAINTENANCE AREA

NOTE

MAINTENANCE AREA BASED ON EIR/PA/RA AND WETLAND HABITAT RESTORATION PLAN DATED JULY 1995 AND PREPARED BY THE BUREAU OF REDEMPTION IS 15,875 SF. THE PROPOSED MAINTENANCE AREA REDUCES THIS AMOUNT TO 3,000 SF (0.07 acre)

6,575 - 3,000 = 0.32 acre difference

Figure 9: AYERS CREEK
PROPOSED REDUCED MAINTENANCE AREAS

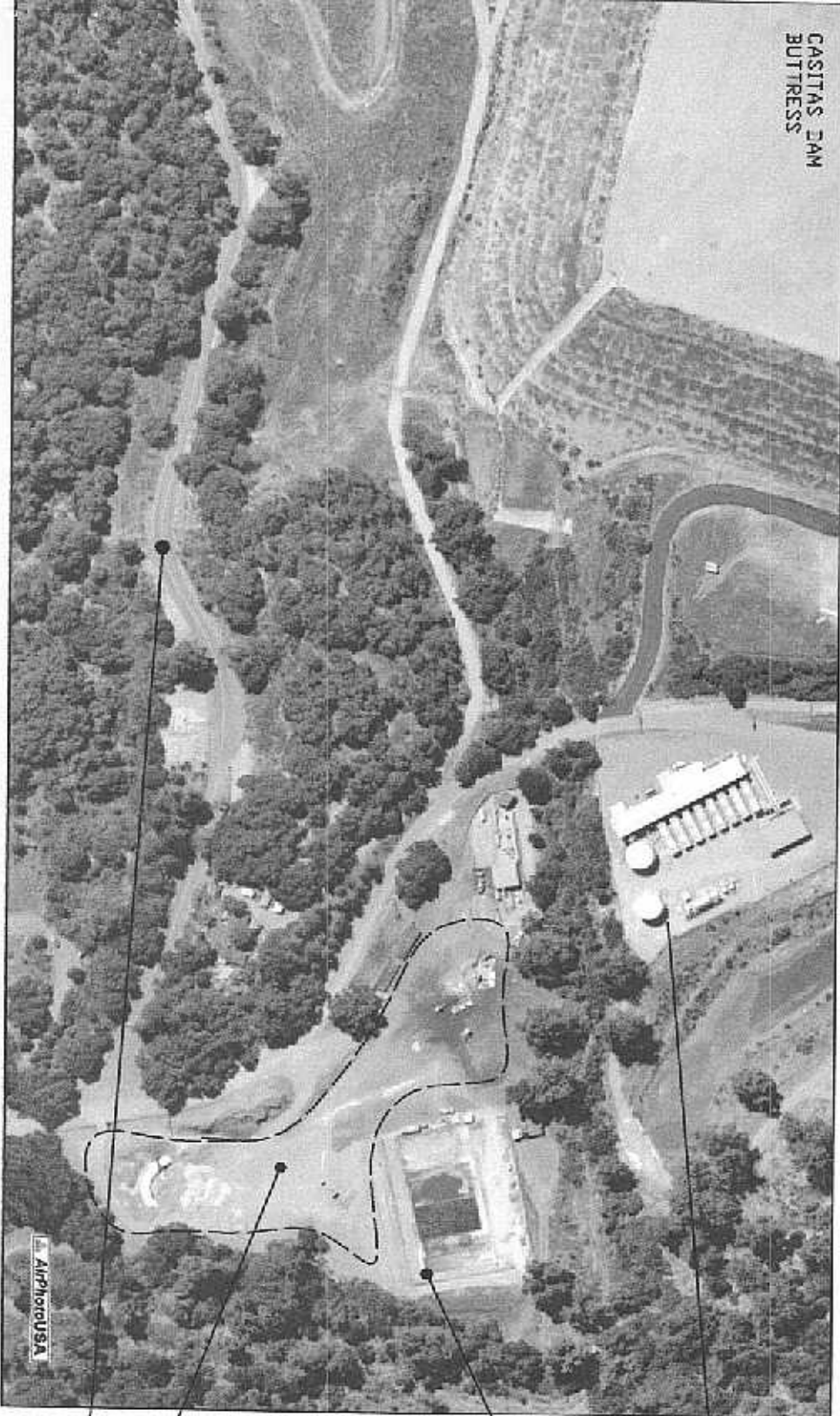


LEGEND
 Hatched pattern: PROPOSED MAINTENANCE AREA
 Dashed line: EXISTING MAINTENANCE AREA
 Solid line: EXISTING MAINTENANCE AREA

NOTES
 1. THE MAINTENANCE AREAS SHOWN ARE BASED ON THE DATA PROVIDED BY THE MAINTENANCE DEPARTMENT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE.

8,100 SF (0.19 acre)
 20,000 - 8,100 = 11,900
 Difference

CASITAS DAM
BUTRESS



TREATMENT PLANT

SLUDGE BEDS

POSSIBLE MATERIAL
DEPOSIT SITE

VIEWPOINT ROAD
(CASITAS VISTA ROAD)

Figure 12